

REMARKS

Applicants respectfully request reconsideration of the present Application. Claims 1, 11, and 17 have been amended herein. New claims 18-20 have been added. Care has been exercised to introduce no new matter. Claims 1-5 and 7-20 are pending and are in condition for allowance.

Rejections based on 35 U.S.C. § 101

Claims 1-5 and 7-17 were rejected under 35 U.S.C. 101 as not falling within one of the four statutory categories of invention. Claims 2-4 and 7-16 depend from independent claim 1. Claim 17 is an independent claim.

The United States Supreme Court has recognized that the expansive language of 35 U.S.C. § 101 includes, as statutory subject matter, “anything under the sun that is made by man.” *Diamond v. Chakrabarty*, 447 U.S. 303, 308-09 (1980). The USPTO has adopted the Supreme Court’s interpretation and has stated that, in practice, the complete definition of the scope of 35 U.S.C. § 101 “is that any new and useful process, machine, manufacture or composition of matter under the sun that is made by man is the proper subject matter of a patent.” MPEP § 2106(IV)(A). More specifically, the MPEP states that “computer programs are often recited as part of a claim.” MPEP § 2106.01(I). In considering such claims, “USPTO personnel should determine whether the computer program is being claimed as part of an otherwise statutory manufacture or machine. In such a case, the claim remains statutory irrespective of the fact that a computer program is included in the claim.” *Id.*; see also *In re Beauregard*, 53 F.3d 1582 (Fed. Cir. 1995). “The same result occurs when a computer program is used in a computerized process where the computer executes the instructions set forth in the computer program.” MPEP § 2106.01(I).

Amended claim 1 is directed to a method for content synchronization for bulk data transfer in a multimedia network, including scheduling transmission of bulk data content push to a plurality of end node devices, wherein the scheduling is performed using a first computer process, and associating the subset of end node devices with a subset of the bulk data content, wherein the associating is performed using a second computer process, and wherein the first and second computer processes are performed by one or more computing devices. Support for amendments to claim 1 is found, at least, at page 9, ll. 7-24. Applicants submit that independent claim 1, as amended, is directed to statutory subject matter including steps performed by computing processes on one or more computing devices. Accordingly, Applicants respectfully request withdrawal of the 35 U.S.C. § 101 rejection of this claim. Each of claims 2-4 and 7-16 depends from claim 1. As such, Applicants respectfully request the withdrawal of the § 101 rejection of these claims, at least for the reasons given above with regard to independent claim 1.

Amended claim 17 includes scheduling transmission of bulk data content to a plurality of end node devices, wherein the scheduling is performed by one or more computing devices, and associating the subset of end node devices with a subset of the bulk data content, wherein the associating is performed by the one or more computing devices. Support for amendments to claim 17 is found, at least, at page 9, ll. 7-24. Applicants submit that independent claim 17, as amended, is directed to statutory subject matter including steps performed by computing processes on one or more computing devices. Accordingly, Applicants respectfully request withdrawal of the 35 U.S.C. § 101 rejection of claim 17.

Rejections based on 35 U.S.C. § 103

Claims 1 and 13 were rejected under 35 U.S.C. 103(a) as being unpatentable over Levitan, U.S. Patent No. 6,698,023 (the “Levitan” reference), in view of Kamisaka, et al., U.S. Patent No. 5,708,960 (the “Kamisaka” reference). Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Levitan, in view of Kamisaka, and further in view of Gupta, U.S. Patent No. 6,577,599 (the “Gupta” reference). Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Levitan, in view of Kamisaka, in view of Gupta, and further in view of Carr, U.S. Patent No. 6,574,795 (the “Carr” reference). Claims 3 and 8 were rejected under 35 U.S.C. 103(a) as being unpatentable over Levitan, in view of Kamisaka, and further in view of McNeil, U.S. Patent No. 6,421,706 (the “McNeil” reference). Claims 5 and 7 were rejected under 35 U.S.C. 103(a) as being unpatentable over Levitan, in view of Kamisaka, and further in view of Miura, et al., U.S. Patent No. 6,483,848 (the “Miura” reference).

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Levitan, in view of Kamisaka, in view of McNeil, and further in view of Kadansky, et al., U.S. Patent No. 6,507,562 (the “Kadansky” reference). Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Levitan, in view of Kamisaka, in view of McNeil, and further in view of Wada, U.S. Publication No. 2003/0007481 (the “Wada” reference). Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Levitan, in view of Kamisaka, in view of Gupta, and further in view of Kadansky. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Levitan, in view of Kamisaka, in view of Miura, and in further view of Dillon, et al., U.S. Publication No. 2003/0206554 (the “Dillon” reference). Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Levitan, in view of Kamisaka, and further in view of Carr.

A. Applicable Authority

Title 35 U.S.C. § 103(a) declares that a patent shall not issue when “the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.” In *Graham v. John Deere*, the Supreme Court counseled that an obviousness determination is made by identifying: the scope and content of the prior art; the level of ordinary skill in the prior art; the differences between the claimed invention and prior art references; and secondary considerations. See *Graham v. John Deere Co.*, 383 U.S. 1 (1966).

“In determining the differences between the prior art and the claims, the question under 35 U.S.C. 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious.” MPEP § 2141.02(I) (emphasis in original) (citing *StratoFlex, Inc. v. Aeroquip Corp.*, 713 F.2d 1530, 218 USPQ 871 (Fed. Cir. 1983)). “All words in a claim must be considered in judging the patentability of that claim against the prior art.” MPEP § 2143.03 (quoting *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (C.C.P.A. 1970)). Moreover, if an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. MPEP § 2143.03 (citing *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)).

“The examiner bears the initial burden of factually supporting a *prima facie* conclusion of obviousness. If the examiner does not produce a *prima facie* case, the applicant is under no obligation to submit evidence of nonobviousness To reach a proper determination of obviousness, the examiner must step backward in time and into the shoes worn by the hypothetical ‘person of ordinary skill in the art’ when the invention was unknown and just before

it was made. In view of all factual information, the examiner must then determine whether the claimed invention ‘as a whole’ would have been obvious at that time to that person. *Id* (emphasis added). Knowledge of applicant's disclosure must be put aside in reaching this determination [I]mpermissible hindsight must be avoided and the legal conclusion must be reached on the basis of the facts gleaned from the prior art.” MPEP § 2142.

“The key to supporting any rejection under 35 U.S.C. 103 is the **clear articulation of the reason(s)** why the claimed invention would have been obvious.” MPEP § 2142 citing *KSR Int'l Co. v. Teleflex Inc.*, 127 S. Ct. 1727 (U.S. 2007) (emphasis added), which notes that the analysis supporting a rejection under 35 U.S.C. 103 should be made explicit. Moreover, the Federal Circuit has stated that “rejections on obviousness **cannot be sustained with mere conclusory statements**; instead, there must be some **articulated reasoning** with some rational underpinning to support the legal conclusion of obviousness.” MPEP § 2142 (emphasis added) (citing *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006)). See also *KSR*, 127 S. Ct. at 1741 (quoting Federal Circuit statement with approval).

A prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention. See MPEP § 2141.02; *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984). If a proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. See MPEP § 2143.01; *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984).

B. Obviousness Rejection of Claims 1 and 13

Claims 1 and 13 were rejected under 35 U.S.C. 103(a) as being unpatentable over Levitan, U.S. Patent No. 6,698,023 (the “Levitan” reference), in view of Kamisaka, et al., U.S. Patent No. 5,708,960 (the “Kamisaka” reference). Claim 13 depends from claim 1. Applicants respectfully submit amended claim 1 is not obvious based on the Levitan and Kamisaka references.

Amended claim 1 includes content synchronization for bulk data transfer in a multimedia network, including scanning a bulk data content push to identify a subset of bulk data content push indicated by a notification, where the subset of bulk data content includes a first targeted promotion and a second targeted promotion, and selectively receiving the identified subset of bulk data content push at the subset of end node devices during the scheduled transmission based on the notification information received by each end node device. At the expected end time for the scheduled transmission, each end node device determines that the bulk data content push was received as expected, and, in response to the bulk data content push being received as expected, activating the content, including activating the first targeted promotion and the second targeted promotion. The first targeted promotion includes a first interactive link and the second targeted promotion includes a second interactive link. Amended claim 1 further includes retrieving response data that indicates more than one interaction with at least one of the first interactive link and the second interactive link.

The Levitan reference is directed to “a system delivering Internet content via one-way television channels.” *See* Levitan reference, col. 2, ll. 49-51. Levitan specifically makes content available to all clients simultaneously. *See* Levitan reference, col. 4, ll. 21-26. According to Levitan, the disclosed one-way television channel broadcasts can not include data

intended for certain users only; this data must be distributed using an alternate method, such as individual electronic mail messages. *See* Levitan reference, col. 4, ll. 44-48. The purpose of broadcasting Internet content over a one-way television channel in Levitan is to preserve resources for other (i.e., two-way) communications, such as “orders, bills, chats, and videoconferences.”

The Kamisaka reference describes a system and method for dispatching a newspaper to subscribers through satellite communication. *See* Kamisaka reference, Abstract. The system of Kamisaka includes delivering electronic newspapers to individual newsdealers and/or home terminals. *See* Kamisaka reference, col. 4, lines 20-59. In Kamisaka, control frames (individual home terminal identification, the contents of the contract, etc.) and data frames (kind of newspaper, the date of issue, etc.) are **indiscriminately received**. *See* Kamisaka reference, col. 7, lines 1-11 and 39-46. The process in Kamisaka fails to teach or suggest the claimed “selectively receiving” limitation of the present claims. On the contrary, both the receiver and home terminal of Kamisaka receive each and every transmission group. Moreover, Kamisaka fails to suggest, expressly or inherently, activating content in response to a bulk data content push being received as expected, including activating a first and second targeted promotion that include a first and second interactive link. It would be impossible for Kamisaka to teach retrieving response data that indicates more than one interaction with at least one of the first and second interactive link.

Even if properly combined with Kamisaka, the Levitan reference does not cure the deficiencies of Kamisaka with respect to amended claim 1. In fact, modifying Levitan and/or combining Levitan with Kamisaka with respect to the pending claims is contrary to the principle of operation in Levitan. Levitan teaches away from targeted promotions including interactive

links. The purpose of Levitan is to use one-way communication, in order to make resources available for **other**, two-way communications. The method of Levitan includes **indiscriminately broadcasting to all recipients and using local, non-interactive content**. *See* Levitan reference, col. 3, l. 66-col. 4, l. 26. Levitan does not contemplate scanning bulk data content push to identify a subset of bulk data content that includes a first targeted promotion and a second targeted promotion. Moreover, Levitan is contrary to activating the targeted promotions, where the targeted promotions include interactive links, and retrieving response data.

As such, the Levitan and Kamisaka references do not teach or disclose claim 1, and Applicants respectfully request the withdrawal of the § 103(a) rejection against this claim. Independent claim 1 is believed to be in condition for allowance, and such favorable action is respectfully requested. Claim 13 depends from amended independent claim 1, and is therefore patentable over Levitan and Kamisaka, for at least the reasons cited above. Accordingly, Applicant respectfully requests withdrawal of the § 103(a) rejection of claim 13, and allowance of claims 1 and 13.

C. Obviousness Rejection of Claim 2

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Levitan, in view of Kamisaka, and further in view of Gupta, U.S. Patent No. 6,577,599 (the “Gupta” reference).

Claim 2 depends from independent claim 1, which was discussed hereinabove. As previously set forth, Levitan and Kamisaka fail to describe each and every element of claim 1 and, accordingly, fails to teach or suggest all of the limitations of claim 2 for at least the above-cited reasons. Further, it is respectfully submitted that Gupta fails to cure the stated deficiencies

of Levitan and Kamisaka, even if properly combined. Rather, Gupta describes a system for efficient and reliable multicasting. *See, e.g.*, Gupta, Abstract. It is respectfully submitted, however, that Gupta does not teach or disclose those features of amended independent claim 1 stated to be deficient in the Levitan and Kamisaka references.

Claim 2 depends from amended independent claim 1, and is therefore patentable over Levitan, Kamisaka and Gupta, for at least the reasons cited above. Moreover, claim 2 recites at least one further non-obvious features neither taught nor suggested in the cited references in the context of these claims. Accordingly, Applicant respectfully requests withdrawal of the § 103(a) rejection of claim 1. Claim 2 is believed to be in condition for allowance, and such favorable action is respectfully requested.

D. Obviousness Rejection of Claim 3

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Levitan, in view of Kamisaka, in view of Gupta, and further in view of Carr, U.S. Patent No. 6,574,795 (the “Carr” reference).

Claim 3 depends from independent claim 1, which was discussed hereinabove. As previously set forth, Levitan and Kamisaka fail to describe each and every element of claim 1 and, accordingly, fails to teach or suggest all of the limitations of claim 3 for at least the above-cited reasons. Further, it is respectfully submitted that Carr fails to cure the stated deficiencies of Levitan and Kamisaka, even if properly combined. Rather, Carr teaches a system for receiving data over a link, including receiving data communicated according to a one-way communications protocol. *See, e.g.*, Carr reference, Summary. It is respectfully submitted, however, that Carr, even if properly combined with Levitan and Kamisaka, does not teach or disclose those features of amended independent claim 1 stated to be deficient in the Levitan and Kamisaka references.

Claim 3 depends from amended independent claim 1, and is therefore patentable over Levitan, Kamisaka and Carr, for at least the reasons cited above. Moreover, claim 3 recites at least one further non-obvious features neither taught nor suggested in the cited references in the context of these claims. Accordingly, Applicant respectfully requests withdrawal of the § 103(a) rejection of claim 3. Claim 3 is believed to be in condition for allowance, and such favorable action is respectfully requested.

E. Obviousness Rejection of Claims 3 and 8

Claims 3 and 8 were rejected under 35 U.S.C. 103(a) as being unpatentable over Levitan, in view of Kamisaka, and further in view of McNeil, U.S. Patent No. 6,421,706 (the “McNeil” reference).

Claims 3 and 8 depend, either directly or indirectly, from independent claim 1, discussed above. As previously set forth, Levitan and Kamisaka fail to describe each and every element of claim 1 and, accordingly, fails to teach or suggest all of the limitations of claims 3 and 8 for at least the above-cited reasons. Further, it is respectfully submitted that McNeil fails to cure the stated deficiencies of Kamisaka. Rather, McNeil describes a system for data in real time. *See, e.g.,* McNeil, Abstract. It is respectfully submitted that McNeil does not teach or suggest those features of amended independent claim 1 stated to be deficient in the Levitan and Kamisaka references, even if the references were properly combinable.

Claims 3 and 8 depend from amended independent claim 1, and are therefore patentable over Levitan, Kamisaka and McNeil, for at least the reasons cited above. Moreover, claims 3 and 8 recite further non-obvious features neither taught nor suggested in the cited references in the context of these claims. Accordingly, Applicant respectfully requests

withdrawal of the § 103(a) rejections of claims 3 and 8. Claims 3 and 8 are believed to be in condition for allowance, and such favorable action is respectfully requested.

F. Obviousness Rejection of Claims 5 and 7

Claims 5 and 7 were rejected under 35 U.S.C. 103(a) as being unpatentable over Levitan, in view of Kamisaka, and further in view of Miura, et al., U.S. Patent No. 6,483,848 (the “Miura” reference).

Claims 5 and 7 depend directly from independent claim 1, which claim was discussed hereinabove. As previously set forth, Levitan and Kamisaka fail to describe each and every element of claim 1 and, accordingly, fails to teach or suggest all of the limitations of claims 5 and 7 for at least the above-cited reasons. Further, it is respectfully submitted that Miura fails to cure the stated deficiencies of Levitan and Kamisaka. In contrast, the purpose of Miura is using two receiving portions, then displaying two groups of information on one display device. *See, e.g.*, Miura, Abstract. It is respectfully submitted that Miura does not teach or suggest those features of amended independent claim 1 stated to be deficient in the Levitan and Kamisaka references, even if the references are taken in combination.

Claims 5 and 7 depend directly or from amended independent claim 1, and are therefore patentable over Levitan, Kamisaka and Miura, for at least the reasons cited above. Moreover, claims 5 and 7 recite further non-obvious features neither taught nor suggested in the cited references in the context of these claims. Accordingly, Applicant respectfully requests withdrawal of the § 103(a) rejections of claims 5 and 7. Claims 5 and 7 are believed to be in condition for allowance, and such favorable action is respectfully requested.

G. Obviousness Rejection of Claim 9

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Levitan, in view of Kamisaka, in view of McNeil, and further in view of Kadansky, et al., U.S. Patent No. 6,507,562 (the “Kadansky” reference).

Claim 9 depends indirectly from independent claim 1, which claim was discussed hereinabove. As previously set forth, Levitan and Kamisaka fail to describe each and every element of claim 1 and, accordingly, fails to teach or suggest all of the limitations of claim 9 for at least the above-cited reasons. Further, it is respectfully submitted that neither McNeil nor Kadansky cures the stated deficiencies of Levitan and Kamisaka. Rather, McNeil describes a system for presenting data in real time. *See, e.g.*, McNeil, Abstract. Kadansky merely teaches selectively choosing a repair head station to dynamically form a multicast repair tree. *See, e.g.*, Kadansky, Abstract. It is respectfully submitted that neither McNeil nor Kadansky, even if properly combined, teach or suggest those features of amended independent claim 1 stated to be deficient in the Levitan and Kamisaka references.

Claim 9 depends from amended independent claim 1, and is therefore patentable over Levitan, Kamisaka, McNeil, and Kadansky for at least the reasons cited above. Moreover, claim 9 recites at least one further non-obvious feature neither taught nor suggested in the cited references in the context of these claims. Accordingly, Applicant respectfully requests withdrawal of the § 103(a) rejections of claim 9. Claim 9 is believed to be in condition for allowance, and such favorable action is respectfully requested.

H. Obviousness Rejection of Claim 10

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Levitan, in view of Kamisaka, in view of McNeil, and further in view of Wada, U.S. Publication No. 2003/0007481 (the “Wada” reference).

Claim 10 depends indirectly from independent claim 1, which claim was discussed hereinabove. As previously set forth, Levitan and Kamisaka fail to describe each and every element of claim 1 and, accordingly, fails to teach or suggest all of the limitations of claim 10 for at least the above-cited reasons. Further, it is respectfully submitted that neither McNeil nor Wada cures the stated deficiencies of Levitan and Kamisaka. Rather, McNeil describes a system for presenting data in real time. *See, e.g.*, McNeil, Abstract. Wada teaches controlling a continuous communication between a mobile node and another node. *See, e.g.*, Wada, Abstract. It is respectfully submitted that neither McNeil nor Wada fairly teaches or suggests those features of amended independent claim 1 stated to be deficient in the Levitan and Kamisaka references, even if the references were properly combined.

Claim 10 depends from amended independent claim 1, and is therefore patentable over Levitan, Kamisaka, McNeil, and Wada for at least the reasons cited above. Moreover, claim 10 recites at least one further non-obvious feature neither taught nor suggested in the cited references in the context of these claims. Accordingly, Applicant respectfully requests withdrawal of the § 103(a) rejections of claim 10. Claim 10 is believed to be in condition for allowance, and such favorable action is respectfully requested.

I. Obviousness Rejection of Claim 15

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Levitan, in view of Kamisaka, in view of Gupta, and further in view of Kadansky.

Claim 15 depends from independent claim 1, discussed above. As previously set forth, Levitan and Kamisaka fail to describe each and every element of claim 1 and, accordingly, fails to teach or suggest all of the limitations of claim 15 for at least the above-cited reasons. Further, it is respectfully submitted that neither Gupta nor Kadansky cures the stated deficiencies of Kamisaka. Gupta describes a system for reliable multicasting. *See, e.g.*, Gupta, Abstract. Kadansky teaches dynamically forming a multicast repair tree. *See, e.g.*, Kadansky, Abstract. It is respectfully submitted, however, that neither Gupta nor Kadansky fairly teaches or suggests those features of amended independent claim 1 stated to be deficient in the Levitan and Kamisaka references.

Claim 15 depends from amended independent claim 1, and is therefore patentable over Levitan, Kamisaka, Gupta, and Kadansky even if the references were combinable, for at least the reasons cited above. Moreover, claim 15 recites further non-obvious features neither taught nor suggested in the cited references in the context of these claims. Accordingly, Applicant respectfully requests withdrawal of the § 103(a) rejections of claim 15. Claim 15 is believed to be in condition for allowance, and such favorable action is respectfully requested.

J. Obviousness Rejection of Claim 16

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Levitan, in view of Kamisaka, in view of Miura, and in further view of Dillon, et al., U.S. Publication No. 2003/0206554 (the “Dillon” reference).

Claim 16 depends indirectly from independent claim 1, discussed above. As previously set forth, Levitan and Kamisaka fail to describe each and every element of claim 1 and, accordingly, fails to teach or suggest all of the limitations of claim 16 for at least the above-cited reasons. Further, it is respectfully submitted that neither Miura nor Dillon cures the stated

deficiencies of Levitan and Kamisaka. Miura is directed to displaying two groups of information on one display device. *See, e.g.*, Miura, Abstract. Dillon is directed to a system that uses a high-speed link in order to multicast multimedia information from the Internet to a number of receivers. *See, e.g.*, Dillon, Abstract. It is respectfully submitted, however, that neither Miura nor Dillon fairly teaches or suggests those features of amended independent claim 1 stated to be deficient in the Levitan and Kamisaka references, even if combined.

Claim 16 depends from amended independent claim 1, and is therefore patentable over Levitan, Kamisaka, Miura, and Dillon for at least the reasons cited above. Moreover, claim 16 recites at least one further non-obvious feature neither taught nor suggested in the cited references in the context of these claims. Accordingly, Applicant respectfully requests withdrawal of the § 103(a) rejections of claim 16. Claim 16 is believed to be in condition for allowance, and such favorable action is respectfully requested.

K. Obviousness Rejection of Claim 17

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Levitan, in view of Kamisaka, and further in view of Carr.

Amended independent claim 17 is directed to a method for content synchronization for bulk data transfer in a multimedia network, including scheduling transmission of bulk data content to a plurality of end node devices, the schedule including identifying a subset of end node devices, and associating the subset of end node devices with a subset of the bulk data content. Claim 17 also includes notifying each end node device of the scheduled bulk data transmission on an individual basis, each such individual notification including sending information over the network indicating an expected end time for the scheduled transmission and an expected rate for the scheduled transmission. Each such

individual notification indicates to each end node device the subset of bulk data content push to selectively receive, with the notification occurring before the bulk data transmission begins.

Amended claim 17 includes transmitting the bulk data content via broadcast prior to the expected end time, scanning the bulk data content to identify the subset of bulk data content indicated by the notification, including a first and second targeted promotion, and selectively receiving the identified subset of bulk data content at the subset of end node devices during the scheduled transmission, based on the notification information received by each end node device. At the expected end time for the scheduled transmission, each end node device determines if the bulk data content was received as expected, and, upon determining that the bulk data content was not received as expected, sending a failure indication. Upon receiving the failure notification, claim 17 includes retransmitting the bulk content to the network device that sent the failure indication, wherein the retransmission occurs using a more reliable transport mechanism, and locally caching the first targeted promotion and the second targeted promotion, wherein the first and second targeted promotion are associated with events that activate the promotions. Amended claim 17 includes collecting data that represents an occurrence of the first event and an occurrence of the second event.

As discussed above with respect to claim 1, the Levitan and Kamisaka references, even if properly combined, do not disclose scanning bulk data content that includes a first targeted promotion and a second targeted promotion. Moreover, the purpose of Levitan is contrary to activating the targeted promotions, where the targeted promotions include interactive links, and retrieving response data. Kamisaka does not cure the deficiencies of Levitan. It is submitted that claim 17 is therefore patentable over Levitan, Kamisaka, and Carr, for at least the

reasons cited above. Accordingly, Applicant respectfully requests withdrawal of the § 103(a) rejections and allowance of claim 17.

New Claims 18 to 20

Claims 18-20 have been added to the present application. Support for new claims 18-20 is found, at least, at page 3, l. 22-page 4, l. 10. Applicants submit new claims 18-20 are non-obvious in view of the cited references, and allowance of new claims 18-20 is respectfully requested.

CONCLUSION

For at least the reasons stated above, claims 1-5 and 7-20 are now in condition for allowance. Applicants respectfully request withdrawal of the pending rejections and allowance of the claims. If any issues remain that would prevent issuance of this application, the Examiner is urged to contact the undersigned – 816-474-6550 or mpeal@shb.com (such communication via email is herein expressly granted) – to resolve the same. It is believed that no fee is due, however, the Commissioner is hereby authorized to charge any amount required to Deposit Account No. 19-2112.

Respectfully submitted,

/ Mary Jane Peal /

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